

Introduced by Senator Chesbro

February 16, 2005

An act to add Chapter 24.5 (commencing with Section 78801) to Part 2 of Division 22 of the Food and Agricultural Code relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

SB 303, as introduced, Chesbro. The Mendocino Winegrape and Wine Commission.

Existing law provides for various commissions to promote the production and marketing of agricultural commodities.

This bill would create the Mendocino County Winegrape and Wine Commission in state government.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 24.5 (commencing with Section 78801)
2 is added to Part 2 of Division 22 of the Food and Agricultural
3 Code, to read:

4
5 CHAPTER 24.5. MENDOCINO COUNTY WINEGRAPE AND WINE
6 COMMISSION

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8 Article 1. Declarations and General Provisions

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10 78801. The production and distribution of winegrapes and
11 wine constitute an important industry in Mendocino County that
12 provides substantial and necessary revenues for the county and

1 state, and employment for its citizens. It also furnishes an
2 important food product that benefits the public health and
3 welfare.

4 78802. The maintenance and expansion of the winegrape and
5 wine industry of Mendocino county and of its local, national, and
6 foreign markets is necessary to assure that the consuming public
7 of a continuous supply of these products and needed levels of
8 income for those engaged in the winegrape and wine industry in
9 Mendocino County.

10 78803. Opportunity exists for continued growth and
11 expansion of the Mendocino area winegrape and wine industry
12 by creating new markets in the state, the county, and abroad. The
13 success of an expansion program is uniquely depending upon
14 effective education, advertising, promotion, and research, since
15 the creation of new markets is essentially a matter of educating
16 and informing people of the use, nutritional value, and
17 availability of the commodity. The expansion of the Mendocino
18 area winegrape and wine industry also provides an important
19 source of jobs for many people in the area, and serves to ensure
20 the preservation of an agrarian society.

21 78804. It is in the public interest that the public be made
22 aware of accurate and scientific information relating to the
23 beneficial qualities of winegrapes, wine, and other wine products.

24 78805. The production and marketing of winegrapes, wine,
25 and winegrape products produced in Mendocino County is
26 hereby declared to be of public interest, therefore it is necessary
27 and appropriate that these provisions be specifically applicable to
28 Mendocino County. This chapter is enacted in the exercise of the
29 police power of this state for the purpose of protecting health,
30 peace, safety, and general welfare of the people of this state.

31 78806. No action taken by the commission, or by any
32 individual in accordance with this chapter or with the regulations
33 adopted under this chapter, is a violation of the Cartwright Act,
34 Chapter 2 (commencing with Section 16700) of Part 2 of
35 Division 7 of the Business and Professions Code, the Unfair
36 Practices Act, Chapter 4 (commencing with Section 17000) of
37 Part 2 of Division 7 of the Business and Professions Code, or any
38 statutory or common law against monopolies or combinations in
39 restraint of trade. Proof that any action complained of was done

1 in compliance with this chapter shall be a complete defense to the
2 action or proceeding.

3 78807. The commission form of administration created by
4 this chapter is uniquely situated to provide those engaged in the
5 production of winegrapes, wine, and other winegrape products in
6 Mendocino County the opportunity to avail themselves of the
7 benefits of collective action in the broad fields of development,
8 maintenance, and expansion of markets, production, marketing,
9 processing, and nutrition research, public and trade education,
10 and advertising and promotion necessary to achieve the purposes
11 stated herein.

12 78808. This chapter shall be liberally construed. If any
13 provision of this chapter or the application thereof to any person
14 or circumstances is held to be invalid, the invalidity shall not
15 affect other provisions or applications of the chapter that can be
16 given effect without the invalid provision or application, and to
17 this end the provisions of this chapter are severable.

18 78809. It is hereby declared as a matter of legislative
19 determination that members of the commission are intended to
20 represent and further the interest of the particular agricultural
21 industry concerned and that this representation and furtherance is
22 intended to serve the public interest. Accordingly, the Legislature
23 finds that, with respect to persons who are elected or appointed to
24 the commission, the particular agricultural industry concerned is
25 tantamount to, and constitutes, the public generally within the
26 meaning of Section 87103 of the Government Code.

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28 Article 2. Definitions
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30 78810. Unless the context otherwise requires, the definitions
31 in this article govern the construction of this chapter.

32 78811. "Commission" means the Mendocino Winegrape and
33 Wine Commission.
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35 Article 3. The Mendocino Winegrape and Wine Commission
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37 78820. There is in the state government the Mendocino
38 Winegrape and Wine Commission.

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